

Serial No. 10/656,841  
60,130-1721  
03MRA0169

### **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. New claims 16-22 are presented. Accordingly, claims 1-22 are pending.

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Duchemin* in view of *McGibbon*. Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Duchemin* in view of *McGibbon* as proposed. *Duchemin* discloses that the "leaf is preferably constructed without welding from a tube of constant section whose wall has a uniform thickness." [See Col. 2, lines 23-40] The *Duchemin* leaf is hollow in cross-section. [See Figures 3-5]. The Examiner admits that *Duchemin* makes no reference to composite materials. Such hollow cross-section is consistent with a metallic tubular member and is the only construction disclosed by *Duchemin*. *McGibbon*, at most, discloses a solid, completely linear leaf spring 10. Considering that *Duchemin* manufactures the leaf spring with a tubular metallic construction, there is no motivation to make the proposed combination. The only motivation to make the combination as proposed is by following the knowledge disclosed within the present invention. This is impermissible usage of hindsight in an attempt to recreate Applicant's device. Accordingly, claims 1-6 are properly allowable.

Claims 7-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Duchemin* in view of *McGibbon*. Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Duchemin* in view of *McGibbon* as proposed and as argued above. In addition, the Examiner admits that *Duchemin* fails to disclose a rear attachment system comprising a shear damper mounted to the rearward spring segment. Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Duchemin* in view of *McGibbon* as proposed. The *Duchemin* leaf is hollow in cross-section. *McGibbon* discloses a solid leaf spring 10. *McGibbon* discloses a compressive pivot retainer assembly 22 which compresses the solid composite leaf spring 10 therein. Utilizing the compressive *McGibbon* pivot retainer assembly 22 would crush the hollow *Duchemin* leaf rendering it inoperable.

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Applicant does not claim to have invented the concept of a composite leaf spring. Rather, Applicant has provided a unique composite leaf spring and mounting arrangement. The claims are patentable.

New claims 16-22 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$36 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for two claims in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**

  
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